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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 3rd August, 1982:—

BILL NO. 100 OF 1982

A Bill further to amend the East Punjab Urban Rent Restriction Act, 1949, as in force in the Union territory of Chandigarh.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

1. This Act may be called the East Punjab Urban Rent Restriction (Chandigarh Amendment) Act, 1982.

Short
title.

2. In the East Punjab Urban Rent Restriction Act, 1949, as in force in the Union territory of Chandigarh (hereinafter referred to as the principal Act), in section 1, in sub-section (1), for the words "East Punjab", the word "Punjab" shall be substituted.

Amend-
ment of
sec-
tion 1.

3. In section 2 of the principal Act, for clause (d), the following clause shall be substituted, namely:—

Amend-
ment of
sec-
tion 2.

'(d) "non-residential building" means—

(i) a building being used solely for the purpose of business or trade;

(ii) a building let under a single tenancy for use for the purpose of business or trade and also for the purpose of residence.

East
Punjab
Act III
of 1949.

Explanation.—For the purposes of this clause, residence in a building only for the purpose of guarding it, shall not be deemed to convert a “non-residential building” to a “residential building”.

Special
provi-
sion as
to pend-
ing cases.

4. The provisions of the principal Act, as amended by this Act, shall apply to and in relation to every case, under the principal Act, for eviction of a tenant from a building let under a single tenancy for use for the purpose of business or trade and also for the purpose of residence which is pending immediately before the commencement of this Act, and any order made in such case before such commencement by any authority, shall, on an application made in this behalf to such authority, be modified so as to be in conformity with the provisions of the principal Act as amended by this Act.

Explanation.—For the purposes of this section, a case relating to eviction of a tenant shall be deemed to be pending—

(a) if no order has been made in such case for the eviction or otherwise of the tenant; or

(b) if an order has been made in such case for the eviction of the tenant and such order remains to be executed.

STATEMENT OF OBJECTS AND REASONS

The East Punjab Urban Rent Restriction Act, 1949 (East Punjab Act No. III of 1949), as in force in Chandigarh provides for restriction on increasing rent of certain premises situated within the limits of urban areas, and the eviction of tenants therefrom. It defines "non-residential building" mean a building being used solely for the purpose of business or trade. "Residential building" has been defined to mean a building which is not a non-residential building. Shop-cum-flats were constructed in certain sectors. The design and plan of these buildings were such that the occupant may be able to carry on trade or business on the ground floor and reside on the first floor. The shop-cum-flats do not fall within the definition of the expression "non-residential building" because these are not being used solely for the purpose of business or trade. Due to this, owners of shop-cum-flats have been able to get the tenants evicted by invoking provisions applicable to residential buildings. Many eviction cases are also pending. It is proposed to do away with the hardship which is being caused to the tenants of such buildings so that they may be brought on par with the tenants of non-residential buildings. The amendment is also proposed to be applied to pending cases. Opportunity is being taken to substitute the expression "East Punjab" occurring in section 1(1) of the Act by the expression "Punjab".

The Bill seeks to achieve the above objects.

NEW DELHI;
The 12th July, 1982.

P. VENKATASUBBAIAH.

AVTAR SINGH RIKHY,
Secretary.

